

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

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JILL LANCELLE, KELLY LANCELLE  
and LANDON LANCELLE,

Plaintiffs,

Case No.:

and

PHIA GROUP, and MEDICAID c/o  
DEPT. OF HEALTH SERVICES,

Involuntary Plaintiffs,

vs.

MEIJER STORES LIMITED PARTNERSHIP,

Defendant.

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**NOTICE OF REMOVAL**

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**NOW COMES** Defendant, Meijer Stores Limited Partnership (“Defendant”), by and through its attorneys, MWH Law Group LLP, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and hereby removes the above-captioned cause of action from Waukesha County Circuit Court to the United States District Court for the Eastern District of Wisconsin – Milwaukee Division.

In support thereof, Defendant states the following:

1. This action was originally filed by Plaintiffs against Defendant on or about January 11, 2022, in Waukesha County Circuit Court, entitled *Jill Lancelle, et al. v. Meijer Stores Limited Partnership*. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint against Defendant is attached as **Exhibit No. 1**.

2. Personal service of the Complaint was made upon the registered agent for Defendant Meijer Stores Limited Partnership on February 3, 2022. A copy of the Returns of Service to Defendant is attached to **Exhibit No. 1**.

3. This case may be removed from Waukesha County Circuit Court to the United States District Court for the Eastern District of Wisconsin – Milwaukee Division, pursuant to 28 U.S.C. § 1332. The United States District Court has original jurisdiction over the litigation filed in state court based on diversity of the parties.

4. This is a civil action in which Plaintiff claims she is entitled to damages resulting from an incident at the Meijer store located at 801 E. Sunset Drive, Waukesha, Wisconsin 53189 on or about January 8, 2019. Plaintiffs are seeking damages for severe and permanent personal injuries, past and future pain and suffering, disability and past and future medical expenses. (**Ex. 1, ¶ 9.**). The amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs.

5. Defendant Meijer Stores Limited Partnership (“Meijer”) has its principal place of business in Grand Rapids, Michigan, and is deemed to be a citizen of Michigan pursuant to 28 U.S.C. 1332(c)(1).

6. Plaintiffs are citizens and residents of Wisconsin.

7. Involuntary Plaintiff Wisconsin Department of Health Services (“Medicaid”) is an out of state corporation authorized to do and doing substantial business in the state of Wisconsin. Medicaid is named as an Involuntary Plaintiff solely based upon its payments on behalf of Plaintiffs for medical, hospital, and/or disability expenses incurred allegedly as a result of the accident which is the subject of Plaintiff’s Complaint. As such, Medicaid is a nominal party in this action as opposed to a real party in interest. A party is a nominal party if there is no reasonable

basis for predicting that it will be held liable. *Vandervest v. Wisconsin Cent.*, 936 F. Supp. 601 (E.D. WI, 1996) (holding that State Farm and WEA, as insurers of the plaintiffs who were named as defendants solely to protect their respective subrogated interests do not fall within the purview of Wis. Stats. § 632.24 or § 803.04(2) and are not otherwise real parties in interest).

8. Involuntary Plaintiff PHIA Group (“PHIA”) is a corporation with its principal place of business in Massachusetts, pursuant to 28 U.S.C. 1332(c)(1), and is named as an Involuntary Plaintiff solely based upon its payments on behalf of Plaintiffs for medical, hospital, and/or disability expenses incurred allegedly as a result of the accident which is the subject of Plaintiff’s Complaint. As such, Medicaid is a nominal party in this action as opposed to a real party in interest. A party is a nominal party if there is no reasonable basis for predicting that it will be held liable. *Vandervest v. Wisconsin Cent.*, 936 F. Supp. 601 (E.D. WI, 1996) (holding that State Farm and WEA, as insurers of the plaintiffs who were named as defendants solely to protect their respective subrogated interests do not fall within the purview of Wis. Stats. § 632.24 or § 803.04(2) and are not otherwise real parties in interest).

9. The time for filing this notice of removal has not run because thirty (30) days has not expired since February 3, 2022, the date on which Defendant Meijer Stores Limited Partnership was personally served with the Summons and Complaint.

10. Counsel that has appeared on behalf of Plaintiff in the state court is:

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11. This Notice of Removal is being served upon the Plaintiff’s counsel by the state court’s electronic document management system (“EDMS”) and it is being filed with the Clerk of

Waukesha County Circuit Court.

**WHEREFORE**, Defendant, Meijer Stores Limited Partnership, gives notice that the above-captioned action now pending against it in Waukesha County Circuit Court is being removed therefrom to the United States District Court for the Eastern District of Wisconsin – Milwaukee Division.

Dated this 7<sup>th</sup> day of March, 2022.

**MWH LAW GROUP LLP**

Attorneys for Defendant Meijer Stores  
Limited Partnership

By: /s/ Electronically signed by Carlos R. Pastrana

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